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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/692,107	10/20/2000	Kiyotaka Kaneko	879-282P	1458

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EXAMINER

NGUYEN, LUONG TRUNG

ART UNIT	PAPER NUMBER
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2612

DATE MAILED: 09/24/2003 7

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/692,107

Applicant(s)

KANEKO ET AL.

Examiner

LUONG T NGUYEN

Art Unit

2612

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 June 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 4-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 4-11 and 14-21 is/are allowed.
- 6) ☒ Claim(s) 12-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 6/30/2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed with respect to claims 12-13 filed on 6/30/2003 have been fully considered but they are not persuasive.

In re page 16, Applicants argue that the recitation of claim 12 is clearly supported by the specification and traverse with the rejection under 35 U.S.C. § 112, first paragraph. The Applicants allege that the statement "in the still mode the time constant of the low pass filter is set smaller than in the movie mode," which is disclosed in the specification and is interpreted to read "in the movie mode, the time constant of the low pass filter 70 is set larger than in the still mode," supports the recitation "the low-pass filter having a time constant larger than the predetermined cycle."

In response, the Examiner disagrees. Claim 12 requires the comparison of "the time constant of the low-pass filter" and "predetermined cycle," not the comparison of "the time constant of the low pass filter 70 in the still mode and the movie mode." The specification does not describe "predetermined cycle" and the comparison of "the time constant of the low-pass filter" and "predetermined cycle." Therefore, the specification does not disclose "the low-pass filter having a time constant larger than the predetermined cycle."

Claim Objections

2. Claims 12-13 are objected to because of the following informalities:

Art Unit: 2612

Claim 12 (line 11), "the mode setting means" should be changed to --the photographic mode setting means--.

Claim 15 (lines 4-5), claim 18 (lines 5-6), "photographed as as a continuously" should be changed to -- photographed as a continuously--.

Claim 15 (line 13), "peridically updates" should be changed to --periodically updates--.

Claim 21 (line 6), "the a color change" should be changed to --a color change--.

Claim 13 is rejected as being dependent on claim 12.

Claims 16-17 are rejected as being dependent on claim 15.

Claims 19-21 are rejected as being dependent on claim 18.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claims 12-13 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

In claim 12, there is no disclosure to describe the limitation "the low-pass filter having *a time constant larger than the predetermined cycle.*" It should be noted that the specification

Art Unit: 2612

only disclose a low pass filter 70, which has a time constant can be altered in page 14 and Figure 4, and in the still mode the time constant of the low pass filter 70 is set smaller than in the movie mode.

Claim 13 is rejected as being dependent on claim 12.

Allowable Subject Matter

5. Claims 4-11, 14, 15-21 are allowed.

The following is a statement of reasons for the indication of allowable subject matter:

Regarding claim 4, the prior art of the record fails to show or fairly suggest a white balance adjusting device for use in a camera, comprising wherein when the movie mode is set by the photographic mode setting means, the control means obtains the color temperature signal used for the white balance adjustment so that a second response time length between the detection of the color temperature by the color temperature detecting means and the white balance adjustment for the image signal of each of frames composing the moving image is longer than the predetermined time length and is longer than a photographic cycle of the frames composing the moving image.

Claims 5-11, 14 are allowable for the reason given respect to claim 4.

Regarding claim 15, the prior art of the record fails to show or fairly suggest a white balance adjusting device for a camera, comprising wherein in the movie mode, the controlling device initially sets and periodically updates the white balance of the video signal of the continuously moving image and wherein a length of time between updates is longer than a photographing cycle of frames composing moving image.

Claims 16-17 are allowable for the reason given respect to claim 15.

Claims 18-20 are method claims of the apparatus claims 15-17, respectively. Therefore, claims 18-20 are allowable for the reason given respect to claims 15-17, respectively.

Claim 21 is allowable for the reason given respect to claim 18.

Conclusion

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Luong Nguyen** whose telephone number is **(703) 308-9297**. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Wendy Garber**, can be reach on **(703) 305-4929**.

Art Unit: 2612

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to:
(703) 872 - 9314

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal drive,
Arlington, VA, Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding
should be directed to the Technology Center 2600 Customer Service Office whose telephone
number is (703) 306-0377.

LN LN
9/20/2003

VU LE
PRIMARY EXAMINER

